

REMARKS/ARGUMENTS

The Examiner rejected claims 1-5 and 13-16 as being anticipated by Jashi et al., U.S. Patent No. 6,650,782.

Jashi et al. disclose a system for encoding a digital image in a visually progressive manner using sub-bands, quantization of the sub-bands, forming bit-planes, calculating an effective quantizer step, thresholding the viewing distance, ordering the bit-planes, entropy coding the ordered bit-planes, and combining the compressed bit-stream with bit-plane ordering to produce an encoded representation of the digital image. In essence, Jashi et al. disclose a system by which the image, based upon criteria of the image may be processed to provide an encoded representation of the digital image.

Claims 1 and 15 patentably distinguishes over Jashi et al. by claiming the magnitude of the quantization step is increased for higher frequencies relative to lower frequencies as the data rate of transmission of the image data decreases, wherein the magnitude of the quantization step is decreased for higher frequencies relative to lower frequencies as the data rate of transmission of the image data increases.

Jashi et al. fails to suggest modification of the bit-stream based upon the data rate of the transmission of the image data. Nor does Jashi et al. have any appreciation that such a modification may be beneficial based upon the differences in the human visual system's sensitivity to higher frequency errors and lower frequency errors as it relates to a dependence on data rate for the perceived image quality.

Claims 2-5 depend from claim 1 and are patentable for the same reasons asserted for claim 1.

Claims 14-16 depend from claim 13 and are patentable for the same reasons asserted for claim 1.

This Amendment is being submitted with a Petition for Extension of Time, together with the requisite fee. The Commissioner is hereby authorized to charge any additional


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fees, or credit any overpayment, to Deposit Account No. 03-1550.

Respectfully submitted,

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